

SENATE BILL REPORT

SSB 5566

As Passed Senate, February 19, 2008

Title: An act relating to providing for privacy protection for certain voter registration information.

Brief Description: Providing for privacy protection for certain voter registration information.

Sponsors: Senate Committee on Government Operations & Elections (originally sponsored by Senators Franklin and Kohl-Welles).

Brief History:

Committee Activity: Government Operations & Elections: 2/15/07, 2/19/07 [DPS].

Passed Senate: 3/13/07, 43-0;

2/19/08, 45-4.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5566 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; Benton, Kline, Pridemore and Swecker.

Staff: Sharon Swanson (786-7447)

Background: Under statute, county auditors have custody of original voter registration records. These are confidential records and unavailable for public inspection and copying. For purposes of the statewide voter registration database, however, the County Auditor must keep a computer file of each voter registration for that county. At a minimum, this computer file must contain the voter's full name, date of birth, residential address, gender, date of voter registration, applicable taxing district and precinct codes, and voting records. This information is available for public inspection and copying.

County auditors also maintain custody of absentee ballot records. These records include the return envelope for the absentee ballot. The return envelope has a space for the voter to provide the date on which the ballot was voted, a signature line, and place to provide the voter's telephone number. Providing this information allows the voter to attest to his or her eligibility to vote in that election. This information is covered by a secrecy flap to protect the anonymity of the voter.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Substitute Bill: Absentee ballot envelopes maintained by the county auditor are available for public inspection, but the portion of the ballot with the voter's signature is not available for public copying.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: This bill protects against the release of unnecessary information. The problems from the 2004 elections have been remedied. Problems in voter registration were small and have been addressed but not because of the release of birth dates of voters or the publication of voter's signatures. Voters in this state never envisioned the release of their signatures. The Legislature has twice stated that voter signatures should not be made public. Once in statute and again when the privacy flap was added to absentee ballot envelopes. In the past, the Legislature was very sensitive to this issue.

CON: Open government is essential for public trust. Elections must be open and transparent and government must be accountable. This bill will reduce that accountability. After the 2004 election, it was determined that the voter registration database maintenance was handled poorly. While researching that concern it was discovered that there are 270 John Smith's registered to vote; 26 John W. Smiths; and 25 John D. Smith's. Without access to dates of birth and signatures there is no way to determine if we are looking at the right John Smith. An inability to scan a signature will make it impossible to make allegations of fraud or general concerns known to others. What if we want to show the population as a whole that two signatures clearly don't match but were said to match? It's impossible to do if we can't reproduce the signatures for viewing and comparison. This bill will slam the door on any future studies regarding the voter registration database. Has anyone been able to link the fear of identity theft to access of public records? The way to solve this problem is to require a pass code to access credit report information. That will solve this problem. This bill does not.

Persons Testifying: PRO: Karen Flynn, Kitsap Auditor; Katie Blinn, Secretary of State.

CON: Jim Neff, Seattle Times; Toby Nixon, Washington Coalition for Open Government.